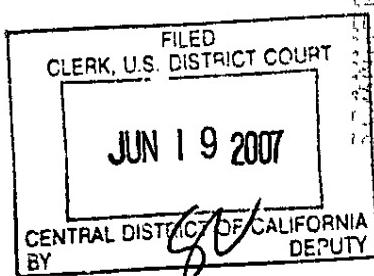


Paul Randolph Johnson et al v. Menu Foods Inc et al

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**ORIGINAL**

6 Attorneys for Defendants,  
 7 MENU FOODS, INC., MENU FOODS  
 INCOME FUND, and MENU FOODS  
 MIDWEST CORP.

**SEND**

9  
 10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
 12 

12 PAUL RANDOLPH JOHNSON and  
 13 TAMMY NAVARRETE,

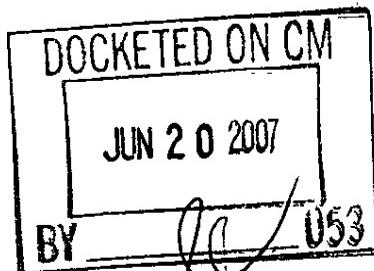
Plaintiffs,

14  
 15 vs.  
 16 MENU FOODS, INC., MENU FOODS  
 17 INCOME FUND, MENU FOODS  
 MIDWEST CORP., CHEMNUTRA,  
 INC., XUZHOU ANYING BIOLOGIC  
 TECHNOLOGY DEVELOPMENT  
 CO., LTD., et al.,

Defendants.

CASE NO. CV 07-01987 GHK (AJWx)  
**STIPULATION AND [PROPOSED]  
 ORDER STAYING ALL  
 PROCEEDINGS AND FOR  
 PRESERVATION OF EVIDENCE**

Judge: Hon. George H. King  
 Ctrm: 650



23 WHEREAS, this case is one of over sixty (60) putative class actions filed in this  
 24 court and several other courts throughout the country for damages and injunctive relief,  
 25 arising from the manufacture, distribution and/or sale of pet food products by defendants,  
 26 including but not limited to, MENU FOODS, INC., MENU FOODS INCOME FUND,  
 27 and MENU FOODS MIDWEST CORP. (hereinafter referred to as "MENU FOODS");

28 //

1       **WHEREAS**, there are several Motions to Transfer and Coordinate or Consolidate  
2 Action Pursuant to 28 U.S.C. § 1407 pending before the Judicial Panel on Multidistrict  
3 Litigation (“MDL Panel”). Plaintiffs in Sexton, et al. v. Menu Foods Income Fund, etc.,  
4 et al., Case No. CV07-01958 GHK (AJWx), Denise Lee Townsend, et al. v. Menu Foods  
5 Limited, et al., Case No. CV07-00398 GHK (AJWx), and Dawn Howe, et al. v. Menu  
6 Foods Limited, et al., Case No. CV07-02060 GHK (AJWx), filed motions to transfer and  
7 coordinate or consolidate these actions to the Central District of California. Other parties  
8 have moved for transfer of all related actions to the Southern District of Florida, the  
9 Western District of Washington, the District of New Jersey, and the Northern District of  
10 Illinois;

11  
12       **WHEREAS**, the MDL Panel will determine whether all actions, including this  
13 action, should be transferred and coordinated and/or consolidated under 28 U.S.C. §  
14 1407 for pretrial proceedings. The MDL Panel set this matter for hearing on May 31,  
15 2007 in Las Vegas, Nevada, heard the matter on May 31, 2007, and is not expected to  
16 make a decision on the matter until some time in July, 2007;

17  
18       **WHEREAS**, the parties believe that in the short intervening time between now  
19 and a decision by the MDL Panel on transfer and coordination and/or consolidation, a  
20 stay of these proceedings will conserve party and judicial resources;

21  
22       **WHEREAS**, on or about April 25, 2007, this Court entered an order to stay all  
23 proceedings pursuant to a stipulation in the lead and related case, Sexton, et al. v. Menu  
24 Foods Income Fund, etc., et al., Case No. CV07-01958 GHK (AJWx); and

25  
26       **WHEREAS**, on or about May 22, 2007, this Court entered a similar order to stay  
27 all proceedings in the related cases, Townsend, et al. v. Menu Foods Income Fund, etc.,  
28 et al., Case No. CV-07-00398 GHK (AJWx), Howe, et al. v. Menu Foods Inc., etc., et al.,

1 Case No. CV-07-02060 GHK (AJWx), and Grady, et al. v. Menu Foods Income Fund,  
2 etc., et al., Case No. CV-07-2253-GHK (AJWx).

3

4 **IT IS HEREBY STIPULATED**, by and between the plaintiffs PAUL  
5 RANDOLPH JOHNSON and TAMMY NAVARRETE, and defendants MENU  
6 FOODS, INC., MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORP.,  
7 and CHEMNUTRA, INC., through their designated counsel that this matter, including  
8 the deadlines for the parties to participate in class certification and other pretrial  
9 proceedings, be stayed pending decision by the Panel on Multi-District Litigation on the  
10 pending motions to transfer and coordinate/consolidate pending actions. Counsel shall  
11 file a joint status report within 48 hours of such decision by the MDL Panel or within 30  
12 days hereof whichever is sooner.

13 All parties shall, during the pendency of the stay of this matter, comply with their  
14 duty to preserve all evidence that may be relevant to this action. This duty extends to  
15 documents, electronic data, and tangible things in the possession, custody and control of  
16 the parties to this action, and any employees, agents, contractors, or carriers who possess  
17 materials reasonably anticipated to be the subject of discovery in this action.  
18 “Preservation” is to be interpreted broadly to accomplish the goal of maintaining the  
19 integrity of all documents, data and tangible things reasonably anticipated to be the  
20 subject of discovery under Fed. R. Civ. P. 26, 45 and 56(e) in this action. Preservation  
21 includes taking reasonable steps to prevent the partial or full destruction, alteration,  
22 testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation  
23 of such material, as well as negligent or intentional handling that would make material  
24 incomplete or inaccessible. If the business practices of any party involve the routine  
25 destruction, recycling, relocation, or mutation of materials, the party must, to the extent  
26 practicable for the pendency of this order, either:

27 //  
28 //

- (i) halt such business practices;
  - (ii) sequester or remove such material from the business process; or
  - (iii) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

## IT IS SO STIPULATED.

DATED: June 12, 2007

## KIRTLAND & PACKARD

By: Michael L. Kelly  
MICHAEL L. KELLY  
ROBERT M CHURELLA  
ROBERT K FRIEDL  
Attorneys for Plaintiffs,  
PAUL RANDOLPH JOHNSON  
and TAMMY NAVARRETE..

DATED: June , 2007.

## MURCHISON & CUMMING, LLP

By: JEAN M. LAWLER  
GINA E. OCH  
Attorneys for Defendants,  
MENU FOODS, etc., et al.

DATED: June , 2007.

MORRIS POLICH & PURDY LLP

By: ANTHONY G. BRAZIL  
MEGAN S. WYNN  
WENDI J. FRISCH  
Attorneys for Defendant,  
CHEMNUTRA INC.

**IT IS SO ORDERED;**

DATE: 6/18/07

- (i) halt such business practices;
  - (ii) sequester or remove such material from the business process; or
  - (iii) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

## **IT IS SO STIPULATED.**

DATED: June , 2007

## KIRTLAND & PACKARD

By: MICHAEL L. KELLY  
ROBERT M CHURELLA  
ROBERT K FRIEDL  
Attorneys for Plaintiffs,  
PAUL RANDOLPH JOHNSON  
and TAMMY NAVARRETE..

DATED: June 13, 2007.

## MURCHISON & CUMMING, LLP

By: Jean M. Lawler  
Gina E. Och  
JEAN M. LAWLER  
GINA E. OCH  
Attorneys for Defendants,  
MENU FOODS, etc., et al

DATED: June , 2007.

MORRIS POLICH & PURDY LLP

By: ANTHONY G. BRAZIL  
MEGAN S. WYNN  
WENDI J. FRISCH  
Attorneys for Defendant,  
CHEM-NUTRA INC.

- (i) halt such business practices;
  - (ii) sequester or remove such material from the business process; or
  - (iii) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

## **IT IS SO STIPULATED.**

DATED: June , 2007

## KIRTLAND & PACKARD

By:

MICHAEL L. KELLY  
ROBERT M CHURELLA  
ROBERT K FRIEDL  
Attorneys for Plaintiffs,  
PAUL RANDOLPH JOHNSON  
and TAMMY NAVARRETE..

DATED: June , 2007.

## MURCHISON & CUMMING, LLP

By:

JEAN M. LAWLER  
GINA E. OCH  
Attorneys for Defendants,  
MENU FOODS, etc., et al.

DATED: June 12, 2007.

MORRIS POLICH & PURDY LLP

By:

ANTHONY G. BRAZIL  
MEGAN S. WYNN  
WENDI J. FRISCH  
Attorneys for Defendant  
CHEMINUTRA INC.

## O R D E R

Pursuant to Stipulation, IT IS SO ORDERED.

**Dated:** \_\_\_\_\_

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**THE HONORABLE GEORGE H. KING  
UNITED STATES DISTRICT COURT JUDGE**

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